

Customer No.: 31561  
Docket No.: 13718-US-PA  
Application No.: 10/711,862

### **REMARKS**

#### **Present Status of the Application**

The Office Action rejected claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Ha (US 2004/0113923) in view of Moon (US 2002/0180680).

The Office Action rejected claims 5-8 under 35 U.S.C. 103(a) as being unpatentable over Moon in view of Ha.

#### **Discussion of 35 U.S.C. 103 Rejections**

The Office Action rejected claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Ha in view of Moon.

This is a repetition of the previously made rejection dated March 12, 2007.

Addressing the previously made rejection, Applicants had submitted remarks on June 6, 2007. However, the Examiner alleged "Applicant's arguments filed 6/06/2007 have been fully considered but they are not persuasive".

As previously remarked, Applicants had submitted that Ha cannot be modified by Moon in arriving at the claimed invention as set forth in claim 1, in that:

1. There is no reasonable expectation of success of the proposed modification. However, if as proposed by the Examiner to modify Ha by Moon's teaching provide the control unit of Ha to include a brightness determination unit as taught by Moon to enable Ha's selector to pick a gamma voltage set based not only on ambient light but the screen brightness, it leads to a contradiction when the brightness determination unit taught by Moon decides to provide a first gamma

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curve, while the user identified by Ha wants to select a second. Therefore, these two modes cannot be simultaneously employed therein.

2. Further, the proposed modification renders the prior art unsatisfactory for its intended purpose. As a solution of the foregoing discussed contradiction, only one mode of determining gamma curve, either by ambient brightness/user's choice (Ha's teaching) or by screen brightness (Moon's teaching). The former is Ha's invention which has been admitted as failing to teach each and every limitation of the claimed invention, and the latter renders the Ha unsatisfactory for its intended purpose of "to provide an apparatus and method [for generating gamma voltage] to adaptively generate a gamma voltage set in accordance with a brightness of the outside" (Ha's paragraph [0014]).

Addressing to the first argument, the Examiner contended: "it is well within the bounds of one of ordinary skill in the art to add an analyzer into an already existing device for the purpose of added functionality".

Applicants respectfully submit that the Examiner gave only an irrelevant reply to Applicant's first argument as set forth above. Even though as proposed by the Examiner, an analyzer is to be added into an already existing device for the purpose of added functionality, it is a must for the obviousness type rejection to prove that "There is reasonable expectation of success of the proposed modification". Attributing this proposed combination to "adding analyzer for the purpose of added functionality" does not redeem the lack of reasonable expectation of success.

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Further, the Examiner erred in simplifying the proposed combination as “to add an analyzer into an already existing device for the purpose of added functionality”.

Applicants would like to highlight the contradiction caused by the proposed modification to provide the control unit of Ha to include a brightness determination unit as taught by Moon to Ha’s selector to pick a gamma voltage set based not only on ambient light but also the screen brightness. Such a contradiction is inevitable and intrinsic. This is so because that after the proposed combination is made, the analyzer and the already existing device are interactional, rather than operating independently.

Also, Addressing to the second argument, the Examiner contended: “having added functionality in a display, such as user being able to determine which function should be employed, are also within the knowledge of a person of ordinary skill in the art, and would in no means make either art unsatisfactory”.

Applicants submit that the point is not whether “having added functionality in a display” makes any art unsatisfactory. The point is “the proposed modification renders the prior art unsatisfactory for its intended purpose” (Emphasis added). Every prior art invention is made in accordance with its intended purpose, and it is believe that the inventor teaches not to modify the prior art invention in a way against or unsatisfactory for its intended purpose.

In this case, it is not the case that the so called added functionality makes the Moon reference unsatisfactory, but rather the proposed modification renders a contradiction unsatisfactory for the intended purpose of “to provide an apparatus and method [for generating gamma voltage] to adaptively generate a gamma voltage set in accordance with a brightness of the outside” (Ha’s paragraph [0014]).

For at least the foregoing reasons, Applicant submits that claims 1-4 are novel and

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unobvious over Ha, Moon or any of the other cited references, taken alone or in combination, and thus should be allowed.

The Office Action rejected claims 5-8 under 35 U.S.C. 103(a) as being unpatentable over Moon in view of Ha.

In response thereto, Applicants hereby otherwise traverse these rejections.

With respect to claim 5, as previously presented, recites in part:

A dynamic level-adjustment compensation method ... comprising:

step (a): analyzing the gray-level distribution of said dynamic image signal and outputting an analysis signal according to an analysis result;

step (b): selecting one from a plurality of gamma voltage generators, each of which being adapted for providing a predetermined gamma characteristic curve, for providing a gamma characteristic curve according to said analysis signal; and

step (c): outputting a gamma voltage according to said selected gamma characteristic curve.

In rejecting claim 5, the Examiner interpreted the control voltage VIN as the analysis signal. However, the control voltage VIN is distinct from the analysis signal, in that the control voltage VIN is required "directly or inversely proportional to the determined brightness degree", and "the gray scale voltage generation unit 220 receives the control voltage VIN, and controls the gamma curve based on the received control voltages VIN" (paragraphs 0053, 0054). Please note that the control voltage VIN serves as a coefficient provided for a certain gamma curve, so as to control the gamma curve to vary.

However, if as suggested by the Examiner "to substitute the gamma generation

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unit of Moons device, with the multiple gamma voltage generators of Ha's ...", the assumed motivation to combine is impractical. The motivation provided by the Examiner is "to obtain the predictable result of providing the capacity to select among multiple gamma characteristic curves". However, with one controlled gamma curve controlled by the control voltages VIN, Moon has achieved his object to control a gamma curve without any loss in gray scale data. On the contrary, if Ha's multiple gamma voltage generators are employed therein, the control voltages VIN should be designated to correspond to different gamma voltage generators as well as different characteristic gamma curves, respectively. However, any of ordinary skill in the art should understand that these corresponding relationships are inaccurate and the correspondences are discrete and approximate. The reason for Ha to select to employ the multiple gamma voltage generators is he needs to provide convenience for the user to roughly control a gamma voltage according to a brightness of the outside. The reason and need are not found in the case of Moon, and while anyone skilled in the art desires to obtain more accurate control of gamma voltages, no one would be motivated to give up the advantages of the proportional control voltages VIN which can accurately control a gamma curve and substitute the same with surplus, expansive, and inaccurate multiple gamma voltage generators which won't bring even a little improvement thereto.

As such, Applicants submit that the proposed modification was improperly made, and the rejection to claims 5-8 is solicited to be withdrawn.

Applicants would like to again remind the Examiner that in this specific case, the proposed combinations or modifications are not simply adding additional parts and additional functionality, but rather they mutually affect and reconstruct both of the two

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cited references, destroy the basic principle of operation thereof, which are held as improper.

Further, adding additional parts or additional functionality does not naturally render the claimed invention obvious over the proposed combination. The proposed combination is still evaluated and governed by other case laws, as discussed above.

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**CONCLUSION**

For at least the foregoing reasons, it is believed that the pending claims 1-8 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date :

Respectfully submitted,

Dec. 20, 2007

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